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**BEFORE THE
PHYSICAL THERAPY BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1D 2005 64430

YVONNE BUCKMAN, P.T.

A C C U S A T I O N

6808 E. DeLeon Street
Long Beach, California 90815

Physical Therapist License No. PT 21726,
Respondent.

Complainant alleges:

PARTIES

1. Steven K. Hartzell (Complainant) brings this Accusation solely in his official capacity as the Executive Director of the California Physical Therapy Board (Board).

2. On or about August 23, 1996, the Board issued Physical Therapist License Number PT 21726 to Yvonne Buckman (Respondent). This license was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2006.

JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise

1 indicated.

2 4. Section 495 of the Code states:

3 “Notwithstanding any other provision of law, any entity authorized to issue a
4 license or certificate pursuant to this code may publicly reprove a licentiate or certificate
5 holder thereof, for any act that would constitute grounds to suspend or revoke a license or
6 certificate. Any proceedings for public reproof, public reproof and suspension, or
7 public reproof and revocation shall be conducted in accordance with Chapter 5
8 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government
9 Code [the Administrative Procedure Act], or in the case of a licensee or certificate holder
10 under the jurisdiction of the State Department of Health Services, in accordance with
11 Section 100171 of the Health and Safety Code.”

12 5. Section 2660 of the Code states:

13 “The board may, after the conduct of appropriate proceedings under the
14 Administrative Procedure Act, suspend for not more than 12 months, or revoke, or
15 impose probationary conditions upon any license, certificate, or approval issued under
16 this chapter for unprofessional conduct that includes, but is not limited to, one or any
17 combination of the following causes:

18 “. . .

19 “(d) Conviction of a crime which substantially relates to the qualifications,
20 functions, or duties of a physical therapist or physical therapy assistant. The record of
21 conviction or a certified copy thereof shall be conclusive evidence of that conviction.

22 6. Section 2661.5 of the Code states:

23 “(a) In any order issued in resolution of a disciplinary proceeding before the
24 board, the board may request the administrative law judge to direct any licensee found
25 guilty of unprofessional conduct to pay to the board a sum not to exceed the actual and
26 reasonable costs of the investigation and prosecution of the case.

27 “(b) The costs to be assessed shall be fixed by the administrative law judge and
28 shall not in any event be increased by the board. When the board does not adopt a

1 proposed decision and remands the case to an administrative law judge, the
2 administrative law judge shall not increase the amount of the assessed costs specified in
3 the proposed decision.

4 “(c) When the payment directed in an order for payment of costs is not made by
5 the licensee, the board may enforce the order of payment by bringing an action in any
6 appropriate court. This right of enforcement shall be in addition to any other rights the
7 board may have as to any licensee directed to pay costs.

8 “(d) In any judicial action for the recovery of costs, proof of the board's decision
9 shall be conclusive proof of the validity of the order of payment and the terms for
10 payment.

11 “(e) (1) Except as provided in paragraph (2), the board shall not renew or
12 reinstate the license or approval of any person who has failed to pay all of the costs
13 ordered under this section.

14 “(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally
15 renew or reinstate for a maximum of one year the license or approval of any person who
16 demonstrates financial hardship and who enters into a formal agreement with the board to
17 reimburse the board within that one year period for those unpaid costs.”

18 **FIRST CAUSE FOR DISCIPLINE**

19 (Conviction of Crime)

20 7. Respondent is subject to disciplinary action under section 2660(d)
21 [conviction of a crime substantially related to the practice of physical therapy] in that she
22 operated a motor vehicle while under the influence of alcohol. Her unlawful actions resulted in a
23 collision. Her actions constituted a danger to the public and demonstrated her lack of sound
24 judgment. The circumstances are as follows:

25 8. On or about April 10, 2005, officers received a radio call from a California
26 Highway Patrol dispatcher of a complaint of an injury collision involving a possible DUI driver.
27 When officers arrived at the location of the collision, they found Respondent's vehicle stopped
28 and overturned on the asphalt shoulder of the road. Respondent was found trapped in the

1 Consumer Affairs of California issue a decision:

2 1. Revoking or suspending Physical Therapist License Number PT 21726,
3 issued to Yvonne Buckman;

4 2. Ordering Yvonne Buckman, PT to pay the Physical Therapy Board the
5 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
6 Professions Code section 2661.3;

7 3. Taking such other and further action as deemed necessary and proper.

8 DATED: September 1, 2006.

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11 Original Signed By:
12 STEVE HARTZELL
13 Executive Director
14 Physical Therapy Board
15 State of California
16 Complainant

16 LA2006500999

17 Buckman Accusation.wpd